

Filed for intro on 02/06/95  
Senate Bill \_\_\_\_\_  
By \_\_\_\_\_

House No. HB0631  
By Givens

AN ACT to amend Tennessee Code Annotated, Title 43, relative to the creation of agricultural districts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 43, is amended by adding Sections 2 through 10 of this act as a new, appropriately designated chapter.

SECTION 2. This act shall be known and may be cited as the "Agricultural District and Farmland Preservation Act."

Section \_\_\_\_.

(a) It is the policy of the state to conserve, protect, and to encourage development and improvement of its agricultural lands for the production of food and other agricultural products. It is also the policy of this state to conserve and protect the agricultural land base as a valuable natural resource which is both fragile and finite. The pressure imposed by urban expansion, transportation systems, water impoundments, surface mining of mineral resources, utility rights-of-way, and industrial development has continually reduced the land resource base necessary to sufficiently produce food and fiber for our future needs. It is the purpose of this act to provide a means by which agricultural land may be

protected and enhanced as a viable segment of the state's economy and as an important resource.

(b) It is the policy of all local and state agencies to support the formation of agricultural districts as a means of preserving Tennessee farmlands and to mitigate the impact of their present and future plans and programs upon the continued agricultural use of land within an agricultural district.

(c) Agricultural districts will be comprised only of agricultural lands.

(d) Local ordinances affecting agriculture shall be limited to those required for the benefit of health and safety.

### SECTION 3.

Section \_\_\_\_.

(a) The local governing administrative body for an agricultural district shall be the local conservation district board of supervisors created pursuant to Tennessee Code Annotated, Sections 43-14-216 and 43-14-217.

(b) The state soil conservation committee created pursuant to Tennessee Code Annotated, Section 43-14-203 shall be responsible for statewide administration of the agricultural district petitions.

### SECTION 4.

Section \_\_\_\_.

(a) Landowners may submit a petition to the local soil conservation district board of supervisors requesting the creation of an agricultural district within the county. The petition shall include:

- (1) A description of the proposed area;
- (2) A description of each land parcel;
- (3) Location of the proposed boundaries;
- (4) Petitioners' names and addresses;
- (5) Adjacent landowners' names and addresses; and

(6) Other pertinent information as the board may require.

(b) The boundary of an agricultural district shall be contiguous. No land shall be included in an agricultural district without the consent of the owner.

(c) Upon receipt of a petition, the local soil conservation district board of supervisors shall notify the county commission and any local or regional planning or zoning body, if any, by sending a copy of the petition and accompanying materials to that body.

(d) The following factors shall be considered by the local soil conservation district board of supervisors and the state soil conservation committee when considering the formation of any agricultural district:

(1) The capability of the land to support agricultural production, as indicated by soil, climate, topography and other natural factors;

(2) The viability of active farmlands as indicated by present status of farming;

(3) The proposed agricultural district meets the minimum size limit of two hundred fifty (250) contiguous acres [with ten (10) acres as the smallest parcel size];

(4) County development patterns and needs and the location of the district in relation to any urban development boundaries within the county; and

(5) Any matter which may be relevant to evaluate the petition.

## SECTION 5.

Section \_\_\_\_.

(a) An agricultural district shall be established for five (5) years with a review to be made by the local soil conservation district board of supervisors at the end of the five (5) year period and every five (5) years thereafter. However,

the board shall make a review any time upon the written request of a local government which demonstrates that the review is necessary in order to consider development needs of the local government.

(b) In its review, the board shall consider:

(1) Whether the continued existence of the district is justified;

(2) Any adjustments which may be necessary due to urban or county development; and

(3) Other factors the board finds relevant.

(c) The board shall review the district as necessary based on the review and subject to approval of the state soil conservation committee. Before the state committee takes final action, all interested parties shall be given the opportunity to request the state committee to amend or overturn the local board's decision.

#### SECTION 6.

Section \_\_\_\_\_. The board shall notify the local property assessor of the farms which belong to an agricultural district. The board shall also inform all members of a district of the right to have their land assessed by the local property assessor under the state's greenbelt, agricultural use value program. The assessor shall offer advice and assistance on obtaining such an assessment.

#### SECTION 7.

Section \_\_\_\_\_.

(a) Any member, or any successor heir of the member, of an agricultural district may withdraw from the district upon notifying the local soil conservation district board of supervisors in writing.

(b) The withdrawal of a member from a district reducing the remaining acreage of agricultural district land to less than two hundred fifty (250) acres or resulting in the remaining land being noncontiguous shall not cause the

decertification of the district. The district shall cease to exist when the acreage remaining in the district drops below twenty (20) acres.

(c) The board shall notify the local property assessor whenever a farm is released or withdrawn from an agricultural district.

#### SECTION 8.

Section \_\_\_\_\_. Any member of an agricultural district who has received a summons of condemnation proceedings being instituted concerning the member's land located in the district may request the local soil and water conservation district board of supervisors to hold a public hearing on the proposed taking of land.

#### SECTION 9.

Section \_\_\_\_\_.

(a) A majority of the members of the appropriate state or local committee constitutes a quorum for conducting business, and any action taken in the name of the committee requires an affirmative vote of a majority of the members present and voting.

(b) Members shall receive no compensation, but shall be reimbursed for expenses incurred.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.